

31 May 1988  
OCA 1725-88

MEMORANDUM FOR: Chief, Intelligence Community Affairs/OGC  
Chief, Litigation Division/OGC

FROM: [REDACTED] Legislation Division  
Office of Congressional Affairs

SUBJECT: Federal Employees Liability Reform and Tort  
Compensation Act of 1988, H.R. 4612

1. Attached is a copy of the above-captioned bill, formerly H.R. 4358. It has been reported out of the House Committee on the Judiciary with a few changes from the original version.

2. Specifically, the new version eliminates references to the Federal Tort Claims Act as a fair means of compensating Federal employees while protecting the Government. It is our understanding that the Judiciary Committee intends to review that law in the future to determine whether this is indeed the case. Section 4 regarding retention of defenses has also been amended to clarify the intent that no new defenses be accorded to the United States. Section 6(d)(3) relates to appeal of the Attorney General's refusal to certify scope of office or employment.

3. I shall keep you apprised of any further developments on this bill.

Attachment

OCA/LEG [REDACTED] (31 May 1988)

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100TH CONGRESS  
2D SESSION

# H. R. 4612

To amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of United States employees committed within the scope of their employment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1988

Mr. FRANK (for himself, Mr. FISH, Mr. SHAW, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. CARDIN, Mr. SWINDALL, Mr. COBLE, Mr. SMITH of Texas, Mr. HOYER, Mr. FAUNTROY, Mr. PARRIS, Mrs. MORELLA, and Mr. SISKY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to provide for an exclusive remedy against the United States for suits based upon certain negligent or wrongful acts or omissions of United States employees committed within the scope of their employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Federal Employees Li-  
5 ability Reform and Tort Compensation Act of 1988".